

Freedom of Information Act Request EPA-R3-2018-005505
Withheld—in-full Records

Document name/title	Document Date	App. # of Pages	Exemption # for withholding - with minor definition*	Content Description of document and what is being withheld
List available, see attachment	2011-2014	Not determined	5(b)	Attorney/client and internal/deliberative emails and attachments

*if using several exemption codes, you can explain here and just enter the exemption code # in the chart above.

Item	Date	Subject
1	05/16/2013	<p>From John Backus to RIII WQS coordinators</p> <p>Hey guys,</p> <p>I know Mark is on furlough but I assume that the 3 of you are not out at the same time!</p> <p>I wanted to let you know that if all goes well, we will be publishing our ANPRM for our TR on May 31.</p> <p>You may remember that we used the ANPRM in previous TR's since it allowed more open discussion BEFORE we actually initiate the rulemaking process.</p> <p>Anyway, I want you guys to have an opportunity to see this before it's published. Attached is a [hopefully] final draft for your perusal.</p> <p>btw- I'll know for sure by this Monday if it will be published on the 31st.</p> <p>Holler if you have any questions!</p> <p>John</p>
2	05/21/2013	<p>From Mark Barath to John Backus</p> <p>And so the MD madness begin</p>
3	05/22/2013	<p>From: Rider, Trish To: Fleisig, Erica</p> <p>Hi Erica,</p> <p>I looked at the MD ANPRM and their existing ammonia criteria. Their criteria are identical to EPA's 1999 criteria, which are our current recommendations.</p> <p>(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)</p> <p>(b) (5)(b) (5)</p>
4	05/31/2013	<p>From John Backus, MDE</p> <p><u>ADVANCE NOTICE OF PROPOSED RULEMAKING (ANPRM) – 2013 TRIENNIAL REVIEW OF WATER QUALITY STANDARDS</u></p> <p>The Clean Water Act (CWA) requires that States review their water quality standards (WQS) every three years (Triennial Review) and revise the standards as necessary. A water quality standard consists of three parts:</p> <ul style="list-style-type: none"> • Designated Uses that set goals for a water body. Examples are support of aquatic life, drinking water supply or a coldwater fishery such as trout. • Criteria that support the designated uses - There are numerous criteria for chemical substances, bacteria, acidity and physical characteristics (e.g., temperature). Examples include dissolved oxygen sufficient to support aquatic life or metals in sufficiently low concentrations that they will not interfere with aquatic life. • Antidegradation policy - Maryland has a policy in place, and updates the list of high quality waters each triennium as needed. <p>The Maryland water quality standards are found in the Code of Maryland regulations (COMAR) at 26.08.01 – 26.08.02. Maryland regulations may be accessed online at the Division of State Documents web site: www.dsd.state.md.us. Click on <u>COMAR Online</u> and enter the appropriate regulatory reference.</p>

		<div data-bbox="489 305 2011 1128" data-label="Text"> <p>(b) (5)</p> <p>(b) (5)</p> </div>
14		<div data-bbox="489 1141 997 1226" data-label="Text"> <p>Forward from Erica Fleisig From: Fleisig, Erica To: Bone, Tracy Subject: Rec Criteria in MD - question from R3</p> </div> <div data-bbox="489 1226 2022 1360" data-label="Text"> <p>(b) (5)(b) (5)(b) (5)(b) (5)</p> </div>
15		<div data-bbox="489 1369 894 1450" data-label="Text"> <p>Forward from Erica Fleisig From: : Bone, Tracy To: Fleisig, Erica Hi Erica,</p> </div>

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16	06/05/2013	From: Rivera, Nina To: Barath, Mark Subject: RE: MD ADPRM (b) (5)(b) (5)
17	06/06/2013	From: Barath, Mark To: Rivera, Nina (b) (5)(b) (5)(b) (5)(b) (5)
18	06/12/2013	From: Barath, Mark To: Fleisig, Erica (b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)
19		From: Fleisig, Erica To: Barath, Mark (b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)
20		From: Barath, Mark To: Fleisig, Erica Denise and I had a short conversation and long laugh about all this. Hey, they say that laughter is the best medicine (for working at EPA that is). Ain't that the truth!!!. Anyway, any words at your end about when the N-STEPS contract will be renewed. Oh, no real hurry since most of PA personnel who would be involved in conversation on this work in field during Summer. Heard they got a new toy to use. Time to stock up on beer, wine and whiskey (and maybe food) in preparation of anticipated derecho. Yikes indeed
21		From: Barath, Mark To: Fleisig, Erica (b) (5)(b) (5)(b) (5)(b) (5)(b) (5)

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22	06/13/2013	<p>Mark Barath to Nina Rivera</p> <p>(b) (5)</p>
23		<p>From: Barath, Mark To: Fleisig, Erica</p> <p>(b) (5)(b) (5)</p>
24	06/25/2013	<p>Tim Fox to Mark Barath</p> <p>I had a question about the current EPA ammonia criteria that we have adopted into COMAR. We have both the ammonia equations AND the ammonia tables incorporated into our regulations. The tables, I believe, were taken directly out of the attached document (starting on page 86). However, when I generated the ammonia tables using the criteria equations and an Excel spreadsheet, they didn't match up in all cases with the tables reported in the document. I attached a spreadsheet to show the difference between the reported tables in the document and the Excel tables from the equation. The yellow highlighted tables (towards the bottom of the spreadsheet) show calculated difference. Shouldn't these be consistent? How did EPA generate the tables in the document?</p>
25	06/26/2013	<p>Mark Barath to Erica Fleisig</p> <p>(b) (5)(b) (5)(b) (5)</p>

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26	06/27/2013	<p>From: Fleisig, Erica To: Barath, Mark</p> <p>(b) (5)(b) (5)(b) (5)</p>
27		<p>Mark Barath to Erica Fleisig</p> <p>(b) (5)(b) (5)(b) (5)</p>
28	07/08/2013	<p>Mark Barath to Erica Fleisig</p> <p>Good morning Erica! Hope that after a long holiday weekend this Monday find you refreshed and ready to go. And to boot, you had a week plus vacation from me!!!</p> <p>(b) (5)(b) (5)(b) (5)</p>
29		<p>From: Fleisig, Erica To: Barath, Mark</p> <p>Hi Mark! Hope the holiday treated you well. I really enjoyed the time off, and wouldn't mind a bit more!</p> <p>(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)</p>
30	07/09/2013	<p>Mark Barath to Erica Fleisig</p> <p>(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)</p>
31	07/22/2013	<p>From: Fleisig, Erica To: Barath, Mark</p> <p>(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)</p>
32		<p>From: Fleisig, Erica To: Barath, Mark</p> <p>(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)</p>

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33	07/23/2013	Mark Barath to Erica Fleisig (b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)
34		From: Fleisig, Erica To: Barath, Mark (b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)
35		Mark Barath to Nina Rivera (b) (5)(b) (5)(b) (5)(b) (5)
36	07/30/2013	Mark Barath to Erica Fleisig (b) (5)(b) (5)(b) (5)(b) (5)
37	08/12/2013	Mark Barath to John Backus The hard copy was sent on its merry way late last week. In the attached file please find PDF version of signed letter. As you will note, there are no surprises. We had discussed all of this in the past. Hope all is well at your end
38		From: Fleisig, Erica To: Barath, Mark Mark, Your timing is great (b) (5)(b) (5)(b) (5)(b) (5)
39	08/15/2013	From: John Backus To: Barath, Mark Happy "Friday" (Like you, I do a compressed week) Hope you're enjoying the nice weather! FYI, received the hardcopy comments letter today. Thanks. Wanted to clear up some confusion - the Chloride criteria will NOT be ready for this TR. The review isn't complete. We are planning to send it to you and the RegIII states anyday now. However, we may consider adopting it, if ready, prior to the next TR. Also, we have made it clear... and I want to reiterate - that until all of the guidance has been published, MDE is not adopting the 2012 RWQC. Still too many questions/concerns. We've done some analysis which we should discuss soon - either on one of our calls or one on one. Thanks and I'll be in touch!
40		Mark Barath to John Backus

		<p>I only get every other Friday off and mine's is next week. And the last Friday of this month is Mandatory Furlough Day for the EPA. Gee, almost sound like a national holiday (not) and unpaid at that..</p> <p>The stuff on Chloride you provided gave us a small glimmer of hope that MDE may have something ready by the time your official TR proposed regs was published. Hey, we can dream and have hope, can't we? As for rec criteria, that bit was added at the instructions of others and HQ. Yes I know about your/MDE misgivings. Yes, we should talk either separately or on one of the calls. Heck, maybe we can find time at the RTAG to talk about it w/Denise Hakowski</p>
41	08/28/2013	<p>Mark Barath to Erica Fleisig</p> <p>Good morning Erica on this 'dreaming' day. Hope that things are going well with you. Yes, my RTAG eleven speakers are still a go and no heat burns on the schedule which is good. I think I am up to 23 outside participants over the two days which should mean a bunch of interesting side conversations among the states.</p> <p>(b) (5)(b) (5)</p>
42	10/21/2013	<p>From: Fleisig, Erica To: Gallagher, Kathryn; Cruz, Luis</p> <p>I believe R3 sent you both an email on 9/13, offering the opportunity to review MD's Chloride criteria methodology and provide comments. MD is extending their deadline for comments to 11/4 due to the shutdown, so if you haven't already reviewed the attached and you would like to, please do so by 11/4. You can send comments directly to Tim Fox at MDE, or send them through me if you would prefer. I would very much appreciate if you could cc me and Denise Hakowski so we are aware of any technical issues you have with MD's approach.</p>
43	10/22/2013	<p>From: John Backus To: Barath, Mark</p> <p>Hey Mark, welcome back!</p> <p>Just want to update you on the TR. There was a delay caused by a tech. glitch and now it's looking like our proposal will be published on Dec. 13. That gets to probably Feb, for Final Action and submission to you.</p>
44		<p>Mark Barath to Erica Fleisig</p> <p>I am requesting another week for submitting comments to MDE. My excuse is that I am the MD WQS coordinator and will be out of office on vacation for the week or so before comments are due. Please tell HECD to send any and all comments directly to me so I can put together a coherent, non-contradictory set of comments which will be glanced at by ORC to keep us out of trouble. Will tell you before end of tomorrow what MDE has to say</p> <p>I got an email today from MDE stating that the WQS TR submission which was to occur by the end of October will be delayed with package published mid December and final to EPA by February. Man, I hate holiday surprises.</p>
45		<p>Mark Barath to Erica Fleisig</p> <p>First, MDE has agreed to a new deadline of November 12, the day after the holiday.</p> <p>(b) (5)(b) (5) (b) (5)</p>
46	10/28/2013	<p>From: Maggie Passmore To: Barath, Mark</p> <p>Attached are comments from me and Amy. Call if you have any questions...cc'ing my teammates and Bill because he's been emailing us about nutrient biological endpoints...so I thought Bill might be interested in this discussion.</p>

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47	11/12/2013	<p>Mark Barath to Tim Fox</p> <p>I want to thank you for the opportunity to comment on the methodology document. I had planned on forwarding to you EPA comment today. However, absolutely last minute questions and request have grind everything to a temporary halt. It may end up being nothing but never the less, I will not be able to get those comments to you by the requested date. I envision a delay of a day or two in forwarding our comments. I hope you understand. I will be in touch in near future.</p>
48	11/18/2013	<p>From: Jackson, Susank To: Fleisig, Erica; Yuan, Lester; Gardner, Thomas</p> <p>Subject: RE: MD chloride criteria - Q re: using bioassessment data in criteria development</p> <p>(b) (5)</p>

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49	11/20/2013	From Mark Barath to Evelyn Macknight After much back and forth and consultation with various people at both RIII and HQ, the content of the first attached file is what has been drafted as the body of the letter you want to send to MDE. The second attached file contains the Method document with revised embedded comments.
50	12/09/2013	From Mark Barath to Tim Fox: The attached are the electronic versions of the correspondence mailed out 12/4/2013 sent.
51	12/12/2013	From: John Backus Dear Interested Stakeholder, The Maryland Department of the Environment is proposing amendments to water quality standards. The details of this action will be published in the December 13, 2013 edition of the Maryland Register: http://www.dsd.state.md.us/MDRegister/mdregister.aspx Supporting documentation for the proposed action will be published on the MDE website. Click here: Water Quality Standards Comments may be sent to John Backus, Environmental Program Manager, Maryland Department of the Environment, 1800 Washington Blvd Baltimore, MD 21230, or phone, 410-537-3965, or email to jbackus@mde.state.md.us . Comments will be accepted through January 13, 2013. An public meeting will be held at MDE Headquarters on January 7, 2014 at 3:00 PM at Montgomery Business Park, 1800 Washington Blvd, Baltimore, MD 21230.
52	12/16/2013	Mark Barath to John Backus Thanks for the notice. I have distributed it to all that should see it. One HQ type made the following comment... they are adding criteria for alpha-BHC, and my read of it is that they are an order of magnitude off from our recommended criteria. We have .0026ug/L and .0049ug/L for water + org and org only, respectively. It looks like they have .026 and .049 ug/L. Is that just a typo... If I am not mistaken, MDE uses a different human health risk factor: 10 ⁵ vs. 10 ⁶ . However, I cannot find out where in your COMAR 26.8 that MDE does that. Could you highlight it for me so I can tell my HQ type why it is different. Of course I could be mistaken and it is a typo.
53		John Backus to Mark Barath We're not <i>adding</i> Alpha-bhc....it was shifted in the wrong cells of the table when it was published. So this is an errata fix, really. That said, in most cases we shift the decimal and use the less stringent risk factor (not everywhere, tho). We used to state the risk level in our regs, but because it wasn't consistent, If I'm not mistaken, we removed it. I'll double check and if I'm mistaken, I'll let you know.
54		From: Fleisig, Erica To: Barath. Mark

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55		From: Barath, Mark To: Fleisig, Erica Subject: RE: Water Quality Standards (b) (5)(b) (5)(b) (5)(b) (5)(b) (5)
56		From: Barath, Mark To: Fleisig, Erica (b) (5)(b) (5)(b) (5)(b) (5)(b) (5)
57		From: Fleisig, Erica To: Barath, Mark (b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)
58		From: Barath, Mark To: Fleisig, Erica (b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)
59		From: Fleisig, Erica To: Barath, Mark (b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)
60	12/31/2013	From: Barath, Mark To: Backus, John I am running into heartaches over the 04-1 O list changes. The new ones are okay as presented but the ones you changed(moved some streams to be part of others) need some serious discussion. Are you available either 2 nd or 3 rd to talk. I am off next week. And of course EPA will pout about NH4 and rec criteria when the time comes but that is for later.
61	01/03/2014	From: Backus, John To: Barath, Mark Sounds good. We didn't "move" any Tier II streams. Ccing Matt Stover to see if we have (or can make) a map showing the new Tier II segments/streams to help you review. Btw, EPA can pout all they want on NH4 and RWQC...but as I said before during the ANPRM, new ammonia criteria didn't come out until AFTER our process was well underway;so it just didn't make the cut this go-round. We are reviewing it, however. And for bacteria....where's the guidance? We made it clear that until all of EPAs promised guidance is published, we're not adopting. Additionally, MDs formal comments expressing concerns over IR and sampling frequency were all but disregarded in the response to comments. We'll be bringing these concerns to the RIII group in the near future!
62		From: Stover, Matt To: Barath, Mark I reviewed the changes to that section, i.e. the Tier II high quality waters, and I think you may be interpreting the changes incorrectly. We have not merged any streams, we've simply added new Tier II stream segments to the list of Tier II high quality waters. All of the stream segments with the year 2012 are newly designated Tier II waters. The other segments remain unchanged. Here's a link to an online map of our Tier II waters in case it helps. http://www.mde.state.md.us/programs/Water/TMDL/Water%20Quality%20Standards/Pages/HighQualityWatersMap.aspx
63		From: Barath, Mark to: Stover, Matt

.04-1 Antidegradation Policy Implementation Procedures.

O. List of Tier II Waters.

O. List of Tier II Waters.

Date	Stream Name	County	12-Digit Watershed	From Lat	From Long	To Lat	To Long	Baseline Fish IBF
Black Sulphur Run 1—Beetree Run 1 (text unchanged)								
2012	Bens Run 1	Baltimore	021309061018	39.31682	-76.79279	39.31402	-76.79400	4.44
Blackrock Run 1— Beaver Run 1 (text unchanged)								
2012	Beaver Run 2	Carroll	021309071057	39.51555	-76.93302	39.50302	-76.91245	4.50
Gillis Falls 1—Reeder Run 2 (text unchanged)								
2012	Swanson Creek 4	Charles	021311010892	38.56522	-76.76043	38.56323	-76.75701	4.00
Swanson Creek UT 1—Zekiah Swamp Run 6 (text unchanged)								
2012	Zektah Run 7	Charles	021401080768	38.61910	-76.82968	38.61393	-76.83266	4.17
Zekiah Swamp Run UT 1—Mattawoman Creek 1 (text unchanged)								
2012	Mattawoman Creek 2	Charles, Prince George's	021401110786	38.65234	-76.90833	38.65252	-76.91689	4.00
Swanson Creek 1— Buffalo Run 2 (text unchanged)								
2012	Buffalo Run 3	Garrett	050202010019	39.68781	-79.41738	39.68685	-79.41002	4.00
Casselman River —IBynum Run UT 1 (text unchanged)								
2012	Cattail Branch UT 1	Harford	021202020328	39.62017	-76.49403	39.63521	-76.49927	5.00
Deer Creek 2— Chaptico Run 1 (text unchanged)								
2012	Fisherman Creek I	Saint Mary's	021401030712	38.21065	-76.40307	38.19762	-76.41925	4.67
Forrest Hall Branch 1— Nassawango Creek 3 (text unchanged)								

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Delaware will be a bit trickier. They are proposing a site specific DO criteria for a tidal river which will probably require a consultation although that one also somewhat follows a 304a recommendation via the Virginian Provenience salt water DO method.
Please don't hesitate to contact me for any additional follow-up questions or need for clarifications

76		From: Christine Vaccaro, To: Barath, Mark Sounds good Mark. It would appear that no, you do not need consultation since they will be adopting the national criteria. I'll stand by on the Delaware WQS....
77	04/03/2014	From: John Backus –MDE To: Barath, Mark Subject: TR - FYI Hey Mark, Just an update - Bob Summers signed our Final Action yesterday. It will be published in the April 18 Maryland Register with an effective date of April 28. I'll be working on getting a submittal package to you ASAP! I'll be in touch soon!
78		From: Barath, Mark To: Rivera, Nina Subject: FW: TR - FYI FYI and heads up.
79		From: Barath, Mark To: MacKnight, Evelyn FYI The final review -process will start soon. Have already gotten okay from NMFS that there is no need for section 7a consultation with them
80		From: Barath, Mark To: Backus, John That's great news. Nina and I are looking forward to reviewing your final product. From the preliminary review way back when, there were no show stopping issues. Once we get this done, you can start working on figuring out how to ensure that all your criteria have frequency and duration components as well as working on nutrient criteria development for Wadeable rivers and streams, eh. And no, we don't know what the new regs revision will look like once the final review is completed. As a side note, HQ is planning mucho changes to HH criteria calculation methods which you might want to use as a reason to further clarify which of your criteria are 10 6th vs 10 5th. But that's all for the next cycle: Let's get through this one first.
81	04/07/2014	From: Fox, Tim, To: Barath, Mark Hi Mark. I'm sorry for the delay in getting this back to you. We have attempted to address the comments you provided and I've attached the updated document. I have also attached a spreadsheet that enumerates the comments in the original draft document and lists how we have addressed the comments in the updated document. When applicable, we also provided the page and line number of the updated document that shows how the comment was addressed. Please let me know how you would like to proceed and if you have any questions.
82		From: Barath, Mark To: Pond, Greg; Bergdale, Amy; Cruz, Luis Cc: Fleisig, Erica Subject: FW: MDE chloride criteria document FYI
83		From: Bergdale, Amy To: : Barath, Mark Pond, Greg;; Cruz, Luis Thanks for sending Mark. Curious, what are the next steps?

84		<p>From: Barath, Mark To: Bergdale, Amy</p> <p>(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)</p> <p>PS I am really sad to see Maggie go but I wish her all the best</p>
85	04/08/2014	<p>From: Barath, Mark To: Fox, Tim;</p> <p>Did you ever get any clarification to comment 94 & 95 provided by Luis Cruz. You can email him at: cruz.luis@epa.gov</p>
86	04/09/2014	<p>From: Fox, Tim To: Barath, Mark</p> <p>Hi Mark, I got clarification from Luis regarding those comments. I don't feel that I need to modify anything specific in the document so I'm good with all the comments. Thanks for checking up.</p>
87	04/16/2014	<p>From: Rivera, Nina To: Barath, Mark</p> <p>Subject: RE: TR - FYI</p> <p>Have you seen the package (b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)</p>
88		<p>From: Barath, Mark To: Rivera, Nina</p> <p>Subject: FW: TR - FYI</p> <p>No, nothing has come in yet. The release date seems to be a moving target. You will be the first to know.</p> <p>(b) (5)(b) (5) (b) (5)</p>
89	04/30/2014	<p>From: Barath, Mark To: Hakowski, Denise</p> <p>Re: Atkinson, Cheryl</p> <p>(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)</p>
90		<p>From: Hakowski, Denise To: Barath, Mark</p> <p>(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)</p>
91		<p>From: Hakowski, Denise To: Barath, Mark</p> <p>(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)</p>
92	06/09/2014	<p>From: Mark Barath TO: Evelyn MacKnight</p> <p>The attached files are the draft Biological evaluations (BE) for both MD and DE. I have forward both of these 'unofficial' drafts to the Services for any showstopping comments. FWS.</p> <p>(b) (5) (b) (5)(b) (5)(b) (5)(b) (5)</p>

100	06/26/2014	<p>From: Barath, Mark To: John Backus</p> <p>Yes the CD arrived intact as well as the signed letter. Had to get the RA office to put their date stamp (June 24, 2014) on the letter to make it official. No big deal with that: just a short elevator ride to the 16th floor. More than I can say for that Rec criteria letter which by the way we thank you for sending a PDF of that signed letter.</p> <p>The initial review by myself and Nina Rivera(my ORC lawyer who does WQS), revealed no major problems or concerns. However(and damn , isn't there always one), she thought that the explanation regarding color was not detailed enough. I believe that I had requested some historic reference to your color criteria adoption from years ago so we could see what justifications you had used back then-whenver back then was. My review of the national 304(a) recommendation indicated a 1986 narrative standard with reference to the 1976 standard. Yes, the Gold book (1986) and Red Book (1976) both have good narrative about color and was probably what MDE used. All of that is from before our(mines and yours) time here in WQS world, eh. I am not even sure how far back our files go. Before I put on a dust mask to plow through those old files, could you look and find out if you have records when that color criteria was originally approved and what type of justification was used. I would greatly appreciate it before I take the plunge into the dust/mold bin .</p>									
101		<p>From: Backus, John To: Barath, Mark</p> <p>I found a memo on our file that says it was based on PA's numeric criteria for color based on the 1976 Redbook. And that's all I've found.</p>									
102	06/30/2014	<p>From: Barath, Mark To: Rivera, Nina</p> <p>Went through our electronic files and found this about MDE color criteria for 2004 TR</p> <table border="0"> <tr> <td>Section .03-3 Water Quality Criteria Specific to Designated Uses.</td> <td>Language added in C(7) for Color</td> <td>Approved: Consistent with Federal recommendations found in EPA document Quality Criteria for Water (EPA-440/9-76-023, July, 1976) (see Enclosure 2.).</td> </tr> <tr> <td>Section .03-3 Water Quality Criteria Specific to Designated Uses.</td> <td>Language added in F(6) for Color</td> <td>Approved: Consistent with Federal recommendations found in EPA document Quality Criteria for Water (EPA-440/9-76-023, July, 1976) (see Enclosure 2.).</td> </tr> <tr> <td>Section .03-3 Water Quality Criteria Specific to Designated Uses.</td> <td>Language added in D(6) for Color</td> <td>Approved: Consistent with Federal recommendations found in EPA document Quality Criteria for Water (EPA-440/9-76-023, July, 1976) (see Enclosure 2.).</td> </tr> </table> <p><u>Revising Color Criteria</u> (26.08.02.03-3(A)(7))</p> <p>EPA is encouraged by MDE's decision to replace the previous narrative criteria for color with a numeric criteria. The criteria proposed appear to be consistent with EPA's recommendations (see EPA's <i>Quality Criteria for Water</i> (1986)).</p> <p>Final?</p>	Section .03-3 Water Quality Criteria Specific to Designated Uses.	Language added in C(7) for Color	Approved: Consistent with Federal recommendations found in EPA document Quality Criteria for Water (EPA-440/9-76-023, July, 1976) (see Enclosure 2.).	Section .03-3 Water Quality Criteria Specific to Designated Uses.	Language added in F(6) for Color	Approved: Consistent with Federal recommendations found in EPA document Quality Criteria for Water (EPA-440/9-76-023, July, 1976) (see Enclosure 2.).	Section .03-3 Water Quality Criteria Specific to Designated Uses.	Language added in D(6) for Color	Approved: Consistent with Federal recommendations found in EPA document Quality Criteria for Water (EPA-440/9-76-023, July, 1976) (see Enclosure 2.).
Section .03-3 Water Quality Criteria Specific to Designated Uses.	Language added in C(7) for Color	Approved: Consistent with Federal recommendations found in EPA document Quality Criteria for Water (EPA-440/9-76-023, July, 1976) (see Enclosure 2.).									
Section .03-3 Water Quality Criteria Specific to Designated Uses.	Language added in F(6) for Color	Approved: Consistent with Federal recommendations found in EPA document Quality Criteria for Water (EPA-440/9-76-023, July, 1976) (see Enclosure 2.).									
Section .03-3 Water Quality Criteria Specific to Designated Uses.	Language added in D(6) for Color	Approved: Consistent with Federal recommendations found in EPA document Quality Criteria for Water (EPA-440/9-76-023, July, 1976) (see Enclosure 2.).									

(b)	(5)	(b)	(5)
(b)	(5)	(b)	(5)
(b)	(5)	(b)	(5)
(b)	(5)	(b)	(5)

106	07/24/2014	<p>From: Barath, Mark To: John Backus</p> <p>In previous cycles, EPA has to provide rationale for approval of all changes to WQS. In 26.08.02.08 Stream Segment Designation, you are changing the designated use for 38 waterbody segments. They are all being changes to either III or III-P. However, it is unclear as of to what has changed to warrant these use changes. Is it strictly based on Temperature (and suitability for self-sustainable trout populations), the discovery of self-sustainable population of trout, etc., If only a temperature determination, that makes it easy. However, if the suitability for self-sustainable trout population, etc. is based on other evidence, that needs to be conveyed.</p> <p>Nina has determined that your color criteria can only be approved for the protection of drinking water use. 75 was derived with the reason being that DW treatment can get that down to 15 which is in the <u>National Secondary Drinking Water Regulations</u>.</p>			
107		<p>From: Backus, John To: Barath, Mark</p> <p>CC'ing Matt Stover as he has the information for the re-classifications. They were based on temp and/or trout populations. We have data that we will send, if that's what you're looking for.</p> <p>As for color, I would like an explanation of what EPA is planning for the other Class waters for which the color criterion already applies.</p> <p>Thanks and enjoy your weekend</p>			
108	07/25/2014	<p>From: Backus, John To: Barath, Mark</p> <p>Here's a table with some general information explaining what was used to change the use class and I've also attached a more detailed excel doc that provides the actual raw data. Let me know if you have any questions. .</p>			
109		<p>From: Barath, Mark To: Stover, Matt</p> <p>Thanks for the quick response to John's (and my) request. I notice that your list has forty listings and the one in the WQS list 37. The three which are in addition to the WQS list are in the following and are from Montgomery CO. My question is why those three were not added to the WQS use change? Is it because MDE has not gone out to verify those findings? Hope all is well at your end</p> <table><tr><td>Unnamed Tributary to Bennett Creek</td></tr><tr><td>Unnamed Tributary to the C & O Canal</td></tr><tr><td>Unnamed Tributary to Muddy Branch</td></tr></table>	Unnamed Tributary to Bennett Creek	Unnamed Tributary to the C & O Canal	Unnamed Tributary to Muddy Branch
Unnamed Tributary to Bennett Creek					
Unnamed Tributary to the C & O Canal					
Unnamed Tributary to Muddy Branch					
110	08/07/2014	<p>From: Barath, Mark To: Rivera, Nina & Fleisig, Erica</p> <p>(b) (5)(b) (5)(b) (5)(b) (5)</p>			
111	08/14/2014	<p>From: Barath, Mark To: Vaccaro, Christine</p> <p>I hoped that you have had a wonderful Summer so far notwithstanding the recent deluge. Around this way, the Summer weather has been mild without any extremes</p> <p>(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)</p>			

		(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5) (b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5) office has concurred with our conclusions.
112		From: Vaccaro.Christine To: Barath, Mark No worries, and very interesting! I'll take a look and see if we need any additional information. A cover letter to our acting regional admin for PR would be good. Its still David Gouveia at this time.
113	08/14/2014	From: Barath, Mark To: Backus, John Yesterday, I called and mentioned that there were some issues which need to be discussed. Since you have not gotten back to me, the following is a summary of noted ones. In COMAR 26.08.02.08 Stream Segment Designation a bunch of issues were noted. In B Susquehanna 3) Class III – Rock Run – appears out of nowhere. In fact, it 2012 COMAR, there was no Class III waters in this Sub-basin. In the reclassification table provided by Matt R., this watershed is not even mentioned. So what happened that got this water found and classified as such? In O. Sub-Basin 02-14-02 Washington Metropolitan Area: (4) Class III-P: (c) Unnamed tributary to the C & O Canal: This water was not in 2012 COMAR. The reclassification table provided by Matt R., north branch was reclassified from I to III. Where did all this come from. In R. Sub-Basin 02-14-10: North Branch Potomac River Area: (4) Use III-P: (a) North Branch Potomac River mainstem from below Jennings Randolph Dam downstream to the confluence with Laurel Run. There is some confusion about this segment. It seems to be a very general description(but maybe not). Does anything else need to be added? Maybe just telling us how long this segment is will be sufficient In S. Sub-Basin 05-02-02: Youghiogheny River Area: (3) Use III: (a) North and South Branch Casselman River and all tributaries. North Branch was not mentioned in 2012 COMAR, and in fact there wasn't even a use I classification in this sub-basin! The reclassification table provided by Matt R., north branch was reclassified from I to III. Where did all this come from. The lat/long change for a couple of segments was not noted anywhere in this TR. That may be Ches Bay related, but I don't see an explanation. The changes are for:-K.Patapsco 2) Class II b)Mesohaline, for the Curtis Bay – Fort McHenry segment and the Curtis bay channel terminus segment.(16 segment in 2014 COMAR vs. 13 segments in 2012 COMAR) K Patapsco Class IV h) Gwynns Falls Why did these occur? I told you before about the big error in both R and S with MDE not changing 'Use' to 'Class.' And these were the ones Nina and I found!!!!!!!
114	08/15/2014	From: Stover.Matt To: Barath.Mark, John forwarded me your questions. My answers (in bold) have been inserted after the questions. In COMAR 26.08.02.08 Stream Segment Designation a bunch of issues were noted. In B Susquehanna 3) Class III – Rock Run – appears out of nowhere. In fact, it 2012 COMAR, there was no Class III waters in this Sub-basin. In the reclassification table provided by Matt R., this watershed is not even mentioned. So what happened that got this water found and classified as such? ▪ Rock Run in Cecil County (near Port Deposit) was previously and erroneously listed under the Elk River basin. All we did was correctly place it under the Lower Susquehanna River Basin and translate the coordinates into decimal degrees. In O. Sub-Basin 02-14-02 Washington Metropolitan Area: (4) Class III-P: (c) Unnamed tributary to the C & O Canal: This water was not in 2012 COMAR. The reclassification table provided by Matt R., north branch was reclassified from I to III. Where did all this come from. • I think you may have copied the same comment (re: north branch) over again. As for O.(4)(c), this segment was included in the table I sent you previously. It was down near the bottom of the table and was redesignated on the basis of the presence of coldwater obligate benthic species being found by Montgomery County at this stream. In R. Sub-Basin 02-14-10: North Branch Potomac River Area: (4) Use III-P: (a) North Branch Potomac River mainstem from below Jennings Randolph Dam downstream to the confluence with Laurel Run. There is some confusion about this segment. It seems to be a very general description(but maybe not). Does anything else need to be added? Maybe just telling us how long this segment is will be sufficient This segment is approximately 5 miles in length. It was redesignated b/c JR Lake has a coldwater/bottom release that creates coldwater conditions. Fisheries folks have stocked and seen reproducing populations of brown trout in this section.

		<p>In S. Sub-Basin 05-02-02: Youghiogheny River Area: (3) Use III: (a) North and South Branch Casselman River and all tributaries. North Branch was not mentioned in 2012 COMAR, and in fact there wasn't even a use I classification in this sub-basin! The reclassification table provided by Matt R., north branch was reclassified from I to III. Where did all this come from.</p> <p>By default all waterbodies in Maryland are given the Use I designation unless otherwise specified in regulation. (See A.(1)). Regarding North Branch Casselman, it was previously Use I in 2012 since it was not specifically mentioned in COMAR. South Branch Casselman was specified as Use III in 2012. For 2014, we simply joined up this Use III designation since we found evidence of coldwater obligates in North Branch Casselman as well as South Branch. In other words both of these branches should be designated as Use III. North Branch was mentioned in the excel I sent you previously.</p> <ul style="list-style-type: none"> • The lat/long change for a couple of segments was not noted anywhere in this TR. That may be Ches Bay related, but I don't see an explanation. The changes are for: K.Patapsco 2) Class II b) Mesohaline, for the Curtis Bay – Fort McHenry segment and the Curtis bay channel terminus segment. (16 segment in 2014 COMAR vs. 13 segments in 2012 COMAR) K Patapsco Class IV h) Gwynns Falls Why did these occur? • For the entire TR, we updated all of regulation 26.08.02.08 so that all coordinates provided were in decimal degrees latitude and longitude using the North American Datum of 1983. We previously had coordinates in a variety of formats including: MD state grid coords, degree minutes decimal seconds, and decimal degrees. For the two points you mentioned, i.e., Curtis Bay Channel at intersection w/ Ft. McHenry and Curtis Bay Channel Terminus, the coordinates in the 2012 version of COMAR were incorrectly flip-flopped. We just flipped them to be accurate. The reason it went from 13 to 16 points is that they were numbered incorrectly in 2012. All of these points describe Uses within PATMH, thus the numbering should continue and not be separate. The coordinates were only altered if we determined that more accurate ones should be provided. • I told you before about the big error in both R and S with MDE not changing 'Use' to 'Class.' • I see what you're talking about....hmmm...maybe this can be fixed with an errata. John and I will strategize on it.
115		<p>From: Barath, Mark To: Stover, Matt</p> <p>I understand your answers. Remember though that when you make changes to COMAR (no matter how insignificant), my lawyers state that they should be noted in either AMPRM or in later explanation of changes. See my bold responses to your below comments.</p> <p>In B Susquehanna 3) Class III – Rock Run – appears out of nowhere. In fact, it 2012 COMAR, there was no Class III waters in this Sub-basin. In the reclassification table provided by Matt R., this watershed is not even mentioned. So what happened that got this water found and classified as such?</p> <ul style="list-style-type: none"> ▪ Rock Run in Cecil County (near Port Deposit) was previously and erroneously listed under the Elk River basin. All we did was correctly place it under the Lower Susquehanna River Basin and translate the coordinates into decimal degrees. <p>The main confusion is that when I look in the 2012 COMAR, there is no Rock Run under the entire B Sub-Basin 02012-02, thus it appears to pop up from nowhere. Now if it was a Class I or covered under general Class I-P description in 2012 COMAR, I could understand it being hidden. However that was not indicated in your explanation, in your redesignation spreadsheet or presented in any 2014 COMAR changes documents.</p> <p>In O. Sub-Basin 02-14-02 Washington Metropolitan Area: (4) Class III-P: (c) Unnamed tributary to the C & O Canal: This water was not in 2012 COMAR. The reclassification table provided by Matt R., north branch was reclassified from I to III. Where did all this come from.</p> <ul style="list-style-type: none"> • I think you may have copied the same comment (re: north branch) over again. As for O.(4)(c), this segment was included in the table I sent you previously. It was down near the bottom of the table and was redesignated on the basis of the presence of coldwater obligate benthic species being found by Montgomery County at this stream. <p>One of those not mentioned Class I waters in COMAR 2012. Is it to be assumed this was Class I in 2012 COMAR?</p> <p>In R. Sub-Basin 02-14-10: North Branch Potomac River Area: (4) Use III-P: (a) North Branch Potomac River mainstem from below Jennings Randolph Dam downstream to the confluence with Laurel Run. There is some confusion about this segment. It seems to be a very general description (but maybe not). Does anything else need to be added? Maybe just telling us how long this segment is will be sufficient</p> <p>This segment is approximately 5 miles in length. It was redesignated b/c JR Lake has a coldwater/bottom release that creates coldwater conditions. Fisheries folks have stocked and seen reproducing populations of brown trout in this section.</p> <p>I think that Nina, our ORC lawyer didn't think it was clear enough as to the size of reach. The clarification should answer her concern.</p>

		<p>In S. Sub-Basin 05-02-02: Youghiogheny River Area: (3) Use III: (a) North and South Branch Casselman River and all tributaries. North Branch was not mentioned in 2012 COMAR, and in fact there wasn't even a use I classification in this sub-basin! The reclassification table provided by Matt R., north branch was reclassified from I to III. Where did all this come from.</p> <p>By default all waterbodies in Maryland are given the Use I designation unless otherwise specified in regulation. (See A.(1)). Regarding North Branch Casselman, it was previously Use I in 2012 since it was not specifically mentioned in COMAR. South Branch Casselman was specified as Use III in 2012. For 2014, we simply joined up this Use III designation since we found evidence of coldwater obligates in North Branch Casselman as well as South Branch. In other words both of these branches should be designated as Use III. North Branch was mentioned in the excel I sent you previously. Yes it was mentioned in the spreadsheet you provided. However, since it was lumped together with South branch in COMAR, it became confusing as to whether it was one and the same as spreadsheet entry.</p> <p>The lat/long change for a couple of segments was not noted anywhere in this TR. That may be Ches Bay related, but I don't see an explanation. The changes are for:-K.Patapsco 2) Class II b) Mesohaline, for the Curtis Bay – Fort McHenry segment and the Curtis bay channel terminus segment.(16 segment in 2014 COMAR vs. 13 segments in 2012 COMAR) K Patapsco Class IV h) Gwynns Falls Why did these occur?</p> <ul style="list-style-type: none"> For the entire TR, we updated all of regulation 26.08.02.08 so that all coordinates provided were in decimal degrees latitude and longitude using the North American Datum of 1983. We previously had coordinates in a variety of formats including: MD state grid coords, degree minutes decimal seconds, and decimal degrees. For the two points you mentioned, i.e., Curtis Bay Channel at intersection w/ Ft. McHenry and Curtis Bay Channel Terminus, the coordinates in the 2012 version of COMAR were incorrectly flip-flopped. We just flipped them to be accurate. The reason it went from 13 to 16 points is that they were numbered incorrectly in 2012. All of these points describe Uses within PATMH, thus the numbering should continue and not be separate. The coordinates were only altered if we determined that more accurate ones should be provided. <p>These should have all been noted in the COMAR revision process. That term, "Deep Channel Use: Use NAD 27" in Lat/log columns in 2012 COMAR, throws thing out of sync. EPA still has to document these changes whether they are WQS changes per se or just corrections.</p> <p>I told you before about the big error in both R and S with MDE not changing 'Use' to 'Class.'</p> <ul style="list-style-type: none"> I see what you're talking about....hmmmm...maybe this can be fixed with an errata. John and I will strategize on it. <p>Isn't it too late for this TR cycle since it was already posted as final in COMAR?</p>
116	08/18/2014	<p>From: Barath, Mark To: Rivera, Nina</p> <p>(b) (5)(b) (5)(b) (5)(b) (5)</p>
117		<p>From: Rivera, Nina To: Barath, Mark</p> <p>(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)</p>
118		<p>From: Barath, Mark To: Rivera, Nina</p> <p>(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)</p>
119	08/26/2014	<p>From: Barath, Mark To: MacKnight, Evelyn</p> <p>(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)</p>
120	09/08/2014	<p>From: Rivera, Nina To: Barath, Mark</p> <p>(b) (5)(b) (5)</p>

		(b) (5)(b) (5)(b) (5)
121		From: Rivera, Nina To: Barath, Mark (b) (5)(b) (5)(b) (5)(b) (5)(b) (5)
122		From: Barath, Mark To: Rivera, Nina (b) (5)(b) (5)(b) (5)
123	09/16/2014	From: MacKnight, Evelyn To: Rivera, Nina; Barath, Mark (b) (5)(b) (5)(b) (5)(b) (5)
124		From: Barath, Mark To: MacKnight, Evelyn; Rivera, Nina (b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)
125		From: Rivera, Nina To: Barath, Mark; MacKnight, Evelyn (b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)
126		From: MacKnight, Evelyn To: Rivera, Nina; Barath, Mark (b) (5)(b) (5)(b) (5)(b) (5)(b) (5)
127		From: Barath, Mark To: MacKnight, Evelyn; Rivera, Nina (b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)

		(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)
128	09/17/2014	From: Rivera, Nina To: Barath, Mark; MacKnight, Evelyn (b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)
129	09/22/2014	From: Barath, Mark To: Backus, John By the way, the approval letter went out today-well, it was dated today. Soon come.

Internal email redact

From: Linda Miller
To: Larry Merrill
Cc: Dianne McNally; James Edward; Jeffrey Corbin; Jon Capacasa; Mark Barath; Richard Batiuk
Subject: letter
Date: 01/25/2012 01:43 PM

From: Larry Merrill
To: Linda Miller
Cc: Dianne McNally; James Edward; Jeffrey Corbin; Jon Capacasa; Mark Barath; Richard Batiuk
Subject: Re: letter
Date: 01/25/2012 01:50 PM

From: Richard Batiuk
To: Larry Merrill
Cc: Dianne McNally; James Edward; Jeffrey Corbin; Jon Capacasa; Linda Miller; Mark Barath
Subject: Re: Draft MD WQS Letter
Date: 01/25/2012 02:32 PM

From: Richard Batiuk
To: Linda Miller
Cc: Dianne McNally; James Edward; Jeffrey Corbin; Jon Capacasa; Larry Merrill; Mark Barath
Subject: Re: letter
Date: 01/25/2012 03:03 PM

From: Linda Miller
To: Richard Batiuk
Cc: Dianne McNally; James Edward; Jeffrey Corbin; Jon Capacasa; Larry Merrill; Mark Barath
Subject: Paper needed
Date: 01/25/2012 03:43 PM

From: Jeffrey Corbin
To: Richard Batiuk; Linda Miller
Cc: Dianne McNally; James Edward; Jon Capacasa; Larry Merrill; Mark Barath
Subject: Re: letter
Date: 01/25/2012 03:59 PM

From: Larry Merrill
To: Linda Miller
Cc: Richard Batiuk; Dianne McNally; James Edward; Jeffrey Corbin; Jon Capacasa; Mark Barath
Subject: Re: Paper needed
Date: 01/25/2012 04:24 PM

From: Larry Merrill

To: Linda Miller
Cc: Richard Batiuk; Dianne McNally; James Edward;
Jeffrey Corbin; Jon Capacasa; Mark Barath
Subject: Re: Paper needed
Date: 01/26/2012 08:27 AM

From: Mark Barath
To: Larry Merrill
Cc: Dianne McNally; James Edward; Jeffrey Corbin; Jon
Capacasa; Linda Miller; Richard Batiuk; Cheryl Atkinson
Subject: Re: Draft MD WQS Letter
Date: 01/26/2012 12:07 PM

From: Christine Vaccaro
To: Mark Barath
Subject: Re: Maryland WQS
Date: 04/16/2012 10:11
AM

From: Cheryl Atkinson
To: Mark Barath
Subject: Re: Fw: WQS TR
Date: 04/16/2012 03:24
PM

From: Richard Batiuk
To: Larry Merrill
Cc: Christopher Day; Mark Barath
Subject: Re: Fw: MD WQS BE and
letters to Services
Date: 05/04/2012 01:14 PM

From: Mark Barath
To: Richard Batiuk
Cc: Larry Merrill; Christopher Day
Subject: Re: Fw: MD WQS BE and
letters to Services
Date: 05/07/2012 11:49 AM

From: Christine Vaccaro <christine.vaccaro@noaa.g
To: Mark Barath/R3/USEPA/US
Date: 06/13/2012 10:30 AM
Subject: Maryland WQS

From: Mark Barath
To: Larry Merrill; Denise
Hakowski
Cc: Christopher Day; Nina
Rivera
Subject: Fw: Maryland WQS
Date: 06/13/2012 10:36 AM

From: Mark Barath
To: Erica Fleisig
Subject: Fw: Maryland WQS

Date: 06/21/2012 01:34 PM

From: Erica Fleisig
To: Mark Barath
Subject: Re: Fw: Maryland WQS
Date: 06/21/2012 02:03 PM

From: Mark Barath
To: Erica Fleisig
Subject: Re: Fw: Maryland WQS
Date: 06/21/2012 03:14 PM

From: Mark Barath
To: Helene Drago
Cc: Nina Rivera; Angela Luck
Subject: MD Approval letter
Date: 07/02/2012 10:11 AM

From: Erica Fleisig
To: Mark Barath
Subject: Re: Fw: Maryland dissolved oxygen criteria changes
Date: 07/02/2012 02:02 PM

From: Larry Merrill
To: Christopher Day
Cc: Mark Barath
Subject: Fw: Action Due on WQS Submission: MARYLAND (submitted 4/9/12; 90 days old)
Date: 07/11/2012 09:20 AM

From: Mark Barath
To: Erica Fleisig
Subject: Re: MD letter
Date: 07/23/2012 02:30 PM

From: Mark Barath
To: Angela Luck
Subject: MD WQS approval letter
Date: 07/26/2012 11:06 AM

From: Mark Barath
To: Erica Fleisig

Subject: Re: check-in on MD
triennial
Date: 08/16/2012 04:15 PM

From: Mark Barath
To: Richard Batiuk
Subject: Re: Draft RA Briefing on MD WQS
Proposed Changes
Date: 08/16/2012 04:30 PM

From: Richard Batiuk
To: Mark Barath
Subject: Re: Draft RA Briefing on MD WQS
Proposed Changes
Date: 08/16/2012 06:55 PM

From: Mark Barath
To: Erica Fleisig
Subject: Re: MD and PA
updates?
Date: 07/20/2012 08:52
AM

From: Mark Barath
To: Jon Capacasa
Cc: Richard Batiuk; Christopher Day; James Edward;
Katherine Antos; Larry Merrill; Nicholas DiPasquale
Subject: Re: Draft RA Briefing on MD WQS Proposed Changes
Date: 08/20/2012 09:28 AM

From: Richard Batiuk
To: Jon Capacasa
Cc: Christopher Day; James Edward; Katherine Antos; Larry
Merrill; Mark Barath; Nicholas DiPasquale
Subject: Re: Draft RA Briefing on MD WQS Proposed Changes
Date: 08/20/2012 06:32 PM

From: Larry Merrill
To: Jon Capacasa
Cc: Christopher Day; Mark Barath
Subject: Re: Fw: Maryland Water Quality
Standards Approval Letter
Date: 08/26/2012 03:32 PM

From: Larry Merrill
To: Erica Fleisig
Cc: Mark Barath
Subject: Re: Fw: Re: Fw: Maryland Water Quality
Standards Approval Letter
Date: 08/27/2012 08:23 AM

From: Mark Barath
To: Erica Fleisig
Subject: Re: Fw: Re: Fw: Maryland Water Quality
Standards Approval Letter
Date: 08/27/2012 08:55 AM

From:
To:
Subject:
Date:

Erica Fleisig
Mark Barath
Re: Fw: Maryland Water Quality
Standards Approval Letter
08/27/2012 09:46 AM

Larry Merrill
Jon Capacasa
Christopher Day; Mark Barath
Re: Fw: Maryland Water Quality
Standards Approval Letter
08/27/2012 10:11 AM

From:
To:
Cc:
Subject:
Date:

Mark Barath
Erica Fleisig
MD WQS
08/28/2012 08:09
AM

From:
To:
Subject:
Date:

From:
To:
Cc:
Subject:
Date:

Claudia Fabiano
Larry Merrill; Mark Barath
Erica Fleisig; Manjali Vican;
Corey Buffo
Fw: MD WQS letter
08/31/2012 10:08 AM

From:
To:
Subject:
Date:

Mark Barath
Claudia Fabiano
Re: Fw: MD WQS
letter
08/31/2012 11:09
AM

From:
To:
Cc:
Subject:
Date:

Claudia Fabiano
Mark Barath
Manjali Vican
Re: Fw: MD WQS
letter
08/31/2012 12:02
PM

From:
To:
Subject:
Date:

Mark Barath
Christine Vaccaro
Re: Maryland dissolved oxygen
criteria changes
10/23/2012 03:18 PM

Christine Vaccaro

From:

To: Mark Barath
Subject: Re: Maryland dissolved oxygen
criteria changes
Date: 10/23/2012 03:41 PM

From: Mark Barath
To: Jon Capacasa
Cc: Richard Batiuk; Christopher Day; James Edward;
Katherine Antos; Larry Merrill; Nicholas DiPasquale
Subject: Re: Draft RA Briefing on MD WQS Proposed Changes
Date: 08/20/2012 09:28 AM

From: Richard Batiuk
To: Jon Capacasa
Cc: Christopher Day; James Edward; Katherine Antos; Larry
Merrill; Mark Barath; Nicholas DiPasquale
Subject: Re: Draft RA Briefing on MD WQS Proposed Changes
Date: 08/20/2012 06:32 PM

From: Larry Merrill
To: Jon Capacasa
Cc: Christopher Day; Mark Barath
Subject: Re: Fw: Maryland Water Quality
Standards Approval Letter
Date: 08/26/2012 03:32 PM

From: Erica Fleisig
To: Mark Barath
Subject: Re: Fw: Re: Fw: Maryland Water Quality
Standards Approval Letter
Date: 08/27/2012 09:46 AM

From: Larry Merrill
To: Jon Capacasa
Cc: Christopher Day; Mark Barath
Subject: Re: Fw: Maryland Water Quality
Standards Approval Letter
Date: 08/27/2012 10:11 AM

From: Mark Barath
To: Erica Fleisig
Subject: MD WQS
Date: 08/28/2012 08:09
AM

From: Erica Fleisig
To: Mark Barath
Subject: Re: MD WQS
Date: 08/28/2012 09:23
AM

From: Claudia Fabiano
To: Larry Merrill; Mark Barath
Cc: Erica Fleisig; Manjali Vican;
Corey Buffo
Subject: Fw: MD WQS letter
Date: 08/31/2012 10:08 AM

From: Mark Barath
To: Claudia Fabiano

Subject: Re: Fw: MD WQS
letter
Date: 08/31/2012 11:09
AM

Claudia Fabiano
To: Mark Barath
Cc: Manjali Vican
Subject: Re: Fw: MD WQS
letter
Date: 08/31/2012 12:02
PM

Mark Barath
From:
To: Christine Vaccaro
Subject: Re: Maryland dissolved oxygen
criteria changes
Date: 10/23/2012 03:18 PM

From: Christine Vaccaro
To: Mark Barath
Subject: Re: Maryland dissolved oxygen
criteria changes
Date: 10/23/2012 03:41 PM

2012 Attorney-client privilege redacted email list

From: Nina Rivera
To: Mark Barath
Subject: draft BE
Date: 05/15/2012 02:55 PM

From: Mark Barath
To: Richard Batiuk
Cc: Larry Merrill
Subject: Fw: Action Due on WQS Submission: MARYLAND (submitted 4/9/12; 90 days old)
Date: 07/25/2012 11:45 AM

From: Mark Barath
To: Richard Batiuk; Christopher Day; Nina Rivera; Denise Hakowski
Cc: Helene Drago
Subject: Fw: Maryland dissolved oxygen criteria changes
Date: 07/02/2012 08:28 AM

From: Mark Barath
To: Christopher Day; Nina Rivera
Cc: Larry Merrill
Subject: Fw: Maryland WQS TR EPA BE
Date: 05/14/2012 10:50 AM

From: Mark Barath
To: Nina Rivera
Subject: Fw: MD WQS
Date: 07/16/2012 09:39 AM

From: Mark Barath
To: Nina Rivera
Subject: Fw: WQS TR
Date: 04/11/2012 01:27 PM

From: Mark Barath
To: Nina Rivera;
Christopher Day
Cc: Larry Merrill
Subject: Latest version of BE
Date: 05/17/2012 03:02 PM

From: Mark Barath
To: Nina Rivera
Subject: MD WQS
Date: 07/02/2012 03:30
PM

From: Larry Merrill
To: Christopher Day; Nina Rivera
Cc: Richard Batiuk; Mark Barath
Subject: Proposed EMail to Julie Crocker
Re: MD WQS Revision
Date: 05/17/2012 03:47 PM

From: Christopher Day
To: Larry Merrill
Cc: Mark Barath
Subject: Re: Fw: Action Due on WQS Submission:
MARYLAND (submitted 4/9/12; 90 days old)
Date: 07/23/2012 10:50 AM

From: Mark Barath
To: Christopher Day; Larry Merrill
Subject: Re: Fw: Action Due on WQS Submission:
MARYLAND (submitted 4/9/12; 90 days old)
Date: 07/23/2012 11:07 AM

From: Larry Merrill
To: Mark Barath
Cc: Christopher Day
Subject: Re: Fw: Action Due on WQS Submission:
MARYLAND (submitted 4/9/12; 90 days old)
Date: 07/23/2012 11:13 AM

From: Christopher Day
To: Mark Barath
Cc: Larry Merrill
Subject: Re: Fw: Action Due on WQS Submission:
MARYLAND (submitted 4/9/12; 90 days old)
Date: 07/23/2012 12:17 PM

From:
To:
Cc:
Subject:
Date:

Mark Barath
Christopher Day
Larry Merrill
Re: Fw: Action Due on WQS Submission:
MARYLAND (submitted 4/9/12; 90 days old)
07/23/2012 01:44 PM

From:
To:
Cc:
Subject:
Date:

Mark Barath
Christopher Day
Larry Merrill
Re: Fw: Action Due on WQS Submission:
MARYLAND (submitted 4/9/12; 90 days old)
07/24/2012 02:38 PM

From:
To:
Cc:
Subject:
Date:

Larry Merrill
Mark Barath
Christopher Day; Richard Batiuk
Re: Fw: Action Due on WQS Submission:
MARYLAND (submitted 4/9/12; 90 days old)
07/25/2012 09:12 AM

From:
To:
Cc:
Subject:
Date:

Larry Merrill
Mark Barath
Christopher Day; Richard Batiuk
Re: Fw: Action Due on WQS Submission:
MARYLAND (submitted 4/9/12; 90 days old)
07/25/2012 09:48 AM

From:
To:
Cc:
Subject:
Date:

Nina Rivera
Mark Barath
Christopher Day; Larry
Merrill
Re: Fw: Maryland WQS
TR EPA BE
05/14/2012 01:36 PM

From:
To:
Cc:
Subject:
Date:

Christopher Day
Nina Rivera
Mark Barath; Larry
Merrill
Re: Fw: Maryland WQS
TR EPA BE
05/14/2012 02:02 PM

From:
To:
Cc:
Subject:
Date:

Mark Barath
Christopher Day
Nina Rivera; Larry Merrill
Re: Fw: Maryland WQS
TR EPA BE
05/14/2012 02:35 PM

From: Nina Rivera
To: Mark Barath
Cc: Christopher Day; Larry Merrill
Subject: Re: Latest version of BE
Date: 05/22/2012 02:15 PM

From: Mark Barath
To: Larry Merrill
Subject: Re: Latest version of BE
Date: 06/05/2012 09:17 AM
Attachments: final 2012 WQS TR MD BE.docx

From: Christopher Day
To: Mark Barath
Subject: Re: MD 2012 WQS Revision
Date: 08/08/2012 05:40 PM

From: Nina Rivera
To: Larry Merrill
Cc: Christopher Day; Mark Barath; Richard Batiuk
Subject: Re: Proposed EMail to Julie Crocker
Re: MD WQS Revision
Date: 05/17/2012 03:57 PM

From: Christopher Day
To: Nina Rivera
Cc: Larry Merrill; Mark Barath; Richard Batiuk
Subject: Re: Proposed EMail to Julie Crocker Re: MD WQS Revision
Date: 05/17/2012 05:10 PM

From: Christopher Day
To: Nina Rivera
Cc: Larry Merrill; Mark Barath; Richard Batiuk
Subject: Re: Proposed EMail to Julie Crocker Re: MD WQS Revision
Date: 05/17/2012 05:10 PM

From: Mark Barath
To: Larry Merrill
Cc: Christopher Day
Subject: Updated version of approval letter
Date: 08/27/2012 04:47 PM

From: Julie Crocker
To: Mark Barath
Cc: Christine Vaccaro
Subject: Fwd: Maryland WQS
Date: 04/16/2012 10:03 AM

Hi Mark -

Christine Vaccaro in our office is now handling all Section 7 consultations with EPA - I have cc'd her here!

Julie

----- Forwarded message -----

From: **Mark Barath** <Barath.Mark@epamail.epa.gov>
Date: Mon, Apr 16, 2012 at 9:49 AM
Subject: Maryland WQS
To: julie.crocker@noaa.gov

Julie:

It has been a long time since we have been in touch with each other. I hope all is well with you at your end.

Last week EPA received a WQS Triennial Review(TR) package from Maryland. This TR only covers two changes to their WQS, both of which relate to the Chesapeake Bay and its TMDL.. These changes are with two segment of the tidal Chester River: Lower Chester River and Eastern Bay mesohaline. Apparently, recalculation for the TMDL indicate that 1) the Lower Chester River mesohaline will be in violation of the DO criteria for a slightly longer time period then that indicated in original TMDL and the approved 2010 WQS and 2) Eastern Bay which will be in violation of its DO criteria as opposed to what was stated in TMDL and WQS criteria. Apparently, the Eastern Bay section is influence by conditions in Deep Trench and will have DO violation in a manner similar to the Deep Trench. Neither of these changes are substantive but reflect refinements of the TMDL model. Both of these waters are expected to meet criteria at the end of the TMDL implementation period.

(b) (5)

Hope to hear from you in the near future.

Mark A. Barath
Environmental Scientist
Office of Standards, Assessment and TMDLs (3WP30)

Water Protection Division
U.S. EPA Region III
1650 Arch Street
Philadelphia, Pa 19103-2029
(215) 814-2759 Telephone
(215) 814-2318 Fax

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Julie Crocker
Protected Resources Division
Northeast Regional Office
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

1:
Subject: Mark Barath
Julie Crocker
Christine Vaccaro
Re: Fwd: Maryland WQS
Date: 04/17/2012 02:39 PM

Julie and Christine:
In my effort to get all the document together for doing a Biological Evaluation (BE) for new MD WQS, we here at OSAT realized that we did not receive the final draft/final version of the Chesapeake Bay TMDL Biological Opinion (BO) from NMFS. That document will be referenced numerous times in the upcoming BE. Does your office have a final draft/final version of that BO to share with us. Thanks or looking into this. Hope to hear from you soon.

Mark A. Barath
Environmental Scientist
Office of Standards, Assessment and TMDLs (3WP30)
Water Protection Division
U.S. EPA Region III
1650 Arch Street
Philadelphia, Pa 19103-2029
(215) 814-2759 Telephone
(215) 814-2318 Fax

▼ Julie Crocker ---04/16/2012 10:03:32 AM---Hi Mark - Christine Vaccaro in our office is now handling all Section 7 consultations

From: Julie Crocker <julie.crocker@noaa.gov>
To: Mark Barath/R3/USEPA/US
Cc: Christine Vaccaro <christine.vaccaro@noaa.gov>
Date: 04/16/2012 10:03 AM
Subject: Fwd: Maryland WQS

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Julie

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From: Mark Barath <Barath.Mark@epamail.epa.gov>
Date: Mon, Apr 16, 2012 at 9:49 AM
Subject: Maryland WQS
To: julie.crocker@noaa.gov

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(b) (5)

Hope to hear from you in the near future.

Mark A. Barath
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